

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 94-20047

ROBERTA DILTS,

Defendant.

**OPINION AND ORDER DENYING DEFENDANT'S SEPTEMBER 19, 2013 LETTER,
DOCKETED AS "PETITION TO EXPUNGE FELONY"**

On September 19, 2013, Defendant Roberta (Dilts) Forbes sent a letter to the court asking that the court expunge her conviction for conspiracy to possess with intent to distribute cocaine and marijuana, in violation of 21 U.S.C. § 846. Forbes was sentenced to 57 months' imprisonment after pleading guilty to this offence.

In her letter, Forbes states that she has stayed out of trouble with the law, married her husband, raised two grandchildren, and earned an associates degree in business in the 18 years since her conviction. She further states that she has had trouble starting a career because of her conviction, and that she hopes to one day own her own business.

The court endorses Forbes's stated desire to improve her life and maintain compliance with the law. Nevertheless, the court lacks jurisdiction to consider Forbes's request. *United States v. Lucido*, 612 F.3d 871, 875 (6th Cir. 2010). As the Sixth Circuit in *Lucido* explained:

The power to expunge . . . is the power to undermine a web of federal (and state) laws designed to collect and preserve such information for law enforcement purposes. . . . To the extent a federal court has the power to nullify [Congress's rules governing record-keeping and reporting requirements for criminal behavior]—to erase indictments and convictions that Congress had commanded the executive branch to preserve—it hardly seems unfair to insist that Congress, not a court's inherent equitable power, be the source of that authority.

Id. at 877. The court is not aware of any statutory authority that allows it to expunge federal criminal records. It simply lacks the power to do what Forbes requests.

Accordingly,

IT IS ORDERED that Defendant's September 19, 2013 letter, docketed as a "Petition [Letter] to Expunge Felony," is DENIED. [Dkt. # 405]

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 5, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 5, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522